

AMENDMENTS TO THE DRAWINGS

Attached hereto are three (3) replacement drawing sheets that comply with the provisions of 37 C.F.R. § 1.84. The replacement drawing sheets incorporate the following drawing changes:

In Fig. 1, figure labels “FIG. 1A” and “FIG. 1B” have been amended to --FIG. 1(a)-- and --Fig. 1(b)--, respectively;

In Fig. 4, figure labels “FIG. 4A” and “FIG. 4B” have been amended to --FIG. 4(a)-- and --Fig. 4(b)--, respectively; and

In Fig. 15, figure labels “FIG. 15A” and “FIG. 15B” have been amended to --FIG. 15(a)-- and --Fig. 15(b)--, respectively.

It is respectfully requested that the replacement drawing sheets be approved and made a part of the record of the above-identified application.

REMARKS

Claims 1-4, 6-9, 11, 12, and 14-23 are pending in the application. Claims 14-21 have been withdrawn from consideration. Claims 5, 10, and 13 have been canceled. New claims 22 and 23 have been added.

Drawings

Minor changes have been made to the drawings so that they are consistent with the disclosure in the specification.

The Examiner is respectfully requested to approve and enter these drawing changes.

Specification

Minor changes have been made to the specification to place it in better form for U.S. practice.

Claim Rejections – 35 U.S.C. § 112

Claims 3 and 8 have been rejected under 35 U.S.C. § 112, second paragraph, because the phrase “such as” renders the claim indefinite.

Claims 3 and 8 have been amended to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections – 35 U.S.C. § 103

(a) Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto et al. (JP 405257484A) in view of Shima et al. (USP 6,006,858). This rejection is respectfully traversed.

Matsumoto discloses, for example in Figs. 1 and 2, a noise insulation wall 9 and an active acoustic control cell 7 disposed on a top surface of the noise insulation wall 9.

As acknowledged by the Examiner in the Office Action, Matsumoto does not disclose a sound tube. Therefore, Matsumoto does not disclose or suggest at least one sound tube having "a bottom portion thereof entering a depression formed in the upper end surface of the noise insulation wall," as recited in claim 1.

Shima states, in col. 5, lines 23-25, that a counter-resonator of 1/4 or 3/4 wavelength can be used to cancel such a resonance at the frequency of 230 Hz or 720 Hz, respectively.

Shima, however, does not disclose or suggest at least one sound tube having "a bottom portion thereof entering a depression formed in the upper end surface of the noise insulation wall," as recited in claim 1.

Therefore, even assuming, *arguendo*, that Matsumoto and Shima can be combined, Matsumoto in view of Shima fails to disclose or even suggest the "sound tube" as recited in claim 1.

As stated in page 33, lines 9-13 of the specification of the present application, the sound tube has to be longer as the frequency of a sound wave to be decreased become lower. By allowing a bottom of the sound tube to enter a depression formed in the upper end surface of the noise insulation wall, a sound wave of a lower frequency can be decreased efficiently.

Claims 1-4 and 6-9 are allowable at least for the similar reasons as stated in the foregoing with respect to claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claims 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of Shima, and further in view of Masaharu (JP 09119114). This rejection is respectfully traversed.

Claims 11 and 12, dependent on one of claims 1-4 or 6-9, are allowable at least for their dependency on any one of claims 1-4 or 6-9.

Claim 13 has been canceled.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

New Claims

New claim 22, dependent on claim 3 or 8, is allowable at least for its dependency on claim 3 or 8.

Claim 23 is allowable at least for the similar reasons as stated in the foregoing with respect to claim 1.

A favorable determination by the Examiner and allowance of claims 22 and 23 are earnestly solicited.

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to Office Action of October 7, 2005
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Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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Attachments: Three (3) Replacement Drawing Sheets